

United States Circuit Judge for the Second Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN: I announce that the Senator from California (Mrs. FEINSTEIN), and the Senator from Vermont (Mr. SANDERS), are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), the Senator from North Dakota (Mr. CRAMER), the Senator from Nebraska (Mr. FISCHER), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Louisiana (Mr. KENNEDY), the Senator from Kansas (Mr. MORAN), the Senator from Utah (Mr. ROMNEY), the Senator from South Dakota (Mr. ROUNDS), the Senator from Florida (Mr. SCOTT), the Senator from Indiana (Mr. YOUNG).

Further, if present and voting, the Senator from Indiana (Mr. YOUNG) would have voted "nay."

(Ms. CORTEZ MASTO assumed the Chair.)

The PRESIDING OFFICER (Mr. WARNOCK). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 36, as follows:

[Rollcall Vote No. 447 Ex.]

YEAS—51

Baldwin	Heinrich	Padilla
Bennet	Hickenlooper	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Rosen
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Luján	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murkowski	Warnock
Gillibrand	Murphy	Warren
Graham	Murray	Whitehouse
Hassan	Ossoff	Wyden

NAYS—36

Blackburn	Grassley	Portman
Blunt	Hagerty	Risch
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Capito	Hyde-Smith	Scott (SC)
Cassidy	Inhofe	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Crapo	Lummis	Tillis
Cruz	Marshall	Toomey
Daines	McConnell	Tuberville
Ernst	Paul	Wicker

NOT VOTING—13

Barrasso	Johnson	Sanders
Burr	Kennedy	Scott (FL)
Cramer	Moran	Young
Feinstein	Romney	
Fischer	Rounds	

The PRESIDING OFFICER. The yeas are 51, the nays are 36.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Beth Robinson,

of Vermont, to be United States Circuit Judge for the Second Circuit.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 363, Toby J. Heytens, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Charles E. Schumer, Ben Ray Luján, Richard J. Durbin, Christopher A. Coons, Elizabeth Warren, John Hickenlooper, Jacky Rosen, Brian Schatz, Tammy Baldwin, Patrick J. Leahy, Kirsten E. Gillibrand, Richard Blumenthal, Benjamin L. Cardin, Catherine Cortez Masto, Cory A. Booker, Raphael Warnock, Alex Padilla.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Toby J. Heytens, of Virginia, to be United States Circuit Judge for the Fourth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), the Senator from North Dakota (Mr. CRAMER), the Senator from Montana (Mr. DAINES), the Senator from Nebraska (Mrs. FISCHER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Louisiana (Mr. KENNEDY), the Senator from Kansas (Mr. MORAN), the Senator from Utah (Mr. ROMNEY), the Senator from South Dakota (Mr. ROUNDS), the Senator from Florida (Mr. SCOTT), the Senator from South Carolina (Mr. SCOTT), the Senator from Alabama (Mr. TUBERVILLE), and the Senator from Indiana (Mr. YOUNG).

Further, if present and voting, the Senator from Indiana (Mr. YOUNG) would have noted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 31, as follows:

[Rollcall Vote No. 448 Ex.]

YEAS—51

Baldwin	Heinrich	Padilla
Bennet	Hickenlooper	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Rosen
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Luján	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murkowski	Warnock
Gillibrand	Murphy	Warren
Grassley	Murray	Whitehouse
Hassan	Ossoff	Wyden

NAYS—31

Blackburn	Hagerty	Risch
Blunt	Hawley	Rubio
Boozman	Hoeven	Sasse
Braun	Hyde-Smith	Shelby
Capito	Lankford	Sullivan
Cassidy	Lee	Thune
Cornyn	Lummis	Tillis
Cotton	Marshall	Toomey
Crapo	McConnell	Wicker
Cruz	Paul	
Ernst	Portman	

NOT VOTING—18

Barrasso	Graham	Rounds
Burr	Inhofe	Sanders
Cramer	Johnson	Scott (FL)
Daines	Kennedy	Scott (SC)
Feinstein	Moran	Tuberville
Fischer	Romney	Young

The PRESIDING OFFICER. On this vote, the yeas are 51, and the nays are 31.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Toby J. Heytens, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. SCHUMER. Mr. President, so we had a good and productive week in the Senate this week. We confirmed seven judges and a good number of executive appointments and Ambassadors, and we made good progress on President Biden's Build Back Better agenda. So it has been a good week here.

LEGISLATIVE SESSION

Mr. SCHUMER. Now, Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. I move to proceed to executive session to consider Calendar No. 168.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.